



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **January 23, 2023**, which reads as follows:*

**“G.R. No. 260763 (John P. Kiselis, Petitioner v. David A. Young, in his capacity as Managing Director of Colliers International Philippines, Inc., Lee Gardens Condominium Association and its Board of Directors, Charmaine C. Uy of Lee Gardens Property Development Company, Inc., and Manila Electric Company [MERALCO], Respondents).** — This Petition for Review on *Certiorari*<sup>1</sup> challenges the Decision<sup>2</sup> and the Resolution<sup>3</sup> of the Court of Appeals (CA) which affirmed the dismissal of the Amended Complaint<sup>4</sup> instituted by John P. Kiselis (petitioner) against respondents, and denied his Motion for Reconsideration<sup>5</sup> thereof, respectively, in CA-G.R. SP No. 161535.

After a judicious review of the case at bench, the Court resolves to **DENY** the Petition for lack of merit.

As correctly held by the CA, the issue on the reconnection of electricity services in the condominium unit leased by petitioner is necessarily intertwined with the question on whether or not Lee Gardens Condominium Association, Inc. properly exercised its power, as the administrator of the condominium, to withhold utility services of tenants with delinquent accounts.<sup>6</sup> It is clear from the disconnection notice that utility services were withheld from petitioner’s unit not only for non-payment of electricity bills but also for outstanding arrears for water bills and for storage fees.<sup>7</sup> Based on the Lee Gardens Condominium Association, Inc.’s Board Resolution referenced by both the Energy Regulatory Commission and the CA, full payment of outstanding obligations is required prior to the restoration of utility services.<sup>8</sup> Thus, to enable the Energy Regulatory Commission to order

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<sup>1</sup> *Rollo*, pp. 11-32.

<sup>2</sup> *Id.* at 34-65. The Decision dated March 23, 2021 was Penned by Associate Justice Rafael Antonio M. Santos, with the concurrence of Associate Justices Ramon R. Garcia and Florencio M. Mamauag, Jr.

<sup>3</sup> *Id.* at 67-72, dated May 5, 2022.

<sup>4</sup> *Id.* at 118-186.

<sup>5</sup> *Id.* at 459-467.

<sup>6</sup> *Id.* at 61.

<sup>7</sup> *Id.* at 182.

<sup>8</sup> *Id.* at 60-61 and 103.

reconnection of electricity services, it must also determine whether petitioner was able to sufficiently pay his water bill and storage fee arrears, and whether the Lee Gardens Condominium Association, Inc. properly exercised its powers under its own charter and by-laws. These issues are undoubtedly beyond the Energy Regulatory Commission's jurisdiction. "Administrative agencies, like the Energy Regulatory Commission, are tribunals of limited jurisdiction and, as such, could wield only such powers as are specifically granted to them by the enabling statutes."<sup>9</sup> Consequently, the CA committed no reversible error in upholding the dismissal of petitioner's amended complaint before the Energy Regulatory Commission.

**SO ORDERED."**

By authority of the Court:

*Misael Domingo C. Battung III*  
**MISAELO DOMINGO C. BATTUNG III**  
Division Clerk of Court *JB 2/29/23*

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<sup>9</sup> *BF Homes, Inc. vs. Manila Electric Co.*, 651 Phil. 211,233 (2010) [Per J. Leonardo-De Castro, First Division].